CORRESPONDENCE.

Editor, "Virginia Law Register":

It would seem that the Legislature at its last session has, probably unwittingly, divested the corporation and hustings courts of the state of the power to authorize ministers of the Gospel to celebrate the rites of marriage. Section 2219 of the Code of 1904 provides that "When a minister of any religious denomination shall, before the court of any county or corporation in this state, produce proof of his ordination * * * such court may make an order authorizing him to celebrate the rites of marriage.".

This section was amended by the last Legislature, Acts, 1908, p. 42, so as to read as follows: "When a minister of any religious denomination shall, before the **circuit** court of any county or corporation in this state, or before the judge thereof in vacation, produce proof of his ordination * * * such court or judge thereof in vacation may make an order authorizing him to celebrate the rites of marriage," etc.

WM. BEASLEY.

Lynchburg, Va.

MISCELLANY.

Judgments against Joint Tort-Feasors.—A bold but, as might be expected, unsuccessful attempt was made this week in Howe *v.* Oliver by a female plaintiff in person to maintain an action for a tort committed by the defendant's former partner, although she had previously brought and compromised an action against the actual tort-feasor. The authorities are, as every student knows, all against this contention. Technically the defendant was in the position of a joint tort-feasor, and as long ago as the reign of James I., Cocke *v.* Jennor (a case which, said Mr. Justice Channell, was none the worse for being old) decided that satisfaction by one of two joint tort-feasors released the other. The Court of Exchequer Chamber held more recently, in Brinsmead *v.* Harrison (1872), that a judgment in an action against one of several tort-feasors is a bar to an action against the others for the same cause, although the judgment remains unsatisfied. The justice of the latter rule may certainly be questioned, and it does not prevail in the United States, where, says Sir Frederick Pollock, it is all but universally held that judgment without satisfaction is no bar. Chief Baron Kelly justified the English rule on the ground that if the judgment were not a defence the effect would be to encourage any number of vexatious actions wherever there

happened to be several joint wrong-doers. This argument is not convincing, for if the American system were allowed to prevail here the recovery of costs could be made conditional on the subsequent actions not having been brought unnecessarily or vexatiously. The rule is, however, so firmly established that even the House of Lords would probably profess themselves bound to uphold it, whatever their own opinion of its reasonableness might be.—London Law Journal.

IN VACATION.

Notice of Dissolution of Marriage.—One day a tall, gaunt woman, with rope-colored hair and an expression of great fierceness, strode into the office of a county clerk in West Virginia.

"You air the person that keeps the marriage books, ain't ye?" she demanded.

"What book do you wish to see, madam?" asked the police clerk.

"Kin you find out if Jim Jones was married?"

Search of the records disclosed the name of James Jones, for whose marriage a license had been issued two years before.

"Married Elizabeth Mott, didn't he?" asked the woman.

"The license was issued for a marriage with Miss Elizabeth Mott."

"Well, young man, I'm Elizabeth. I thought I oughter come an' tell ye that Jim has escaped."—Cent. Law Journal.

ERRATA.

In case of Luck *v.* Kersley, reported from Hanover Circuit Court in June number of "The Law Register," at page 102, there appear several errors.

Page 103. Twelfth line from bottom, the opinion should read, "The first question therefore, which presents itself is: Was the deed of trust," etc.

Page 104. Line twenty-three from bottom for "first secured deed of trust," read, "first and second deed of trust." On next line, for "at time of giving deed," read "at time of giving deeds," and on following line for "Trustee" read "Trustees."

Page 108. For the language under "Notice," in the first sentence, read, "The point raised, that Cardwell being president of the bank at the time he drew the deed of Sept. 8, 1904, and, having such notice, this was notice to the bank, is not tenable, if it was material in this case."

Page 108. "For 28 Va." read "98 Va."